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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)	No. CR-06-0002 MMC
)	CR-98-0043 MMC
12 Plaintiff,)	
)	MOTION AND [PROPOSED] ORDER
13 v.)	GRANTING MOTION FOR
)	VOLUNTARY DISMISSAL OF APPEAL
14 ANICETO ESCOBAR-RODRIGUEZ,)	
aka Jose Joel Escobar-Calleroz,)	
15)	
Defendant.)	
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17 A notice of appeal was filed in this matter on May 1, 2006 and the docket sheet
18 transmitted to the Court of Appeals on May 3, 2006. The appeal has not yet been docketed by
19 the circuit clerk. Rule 42(a) of the Federal Rules of Appellate Procedure permits the district
20 court to dismiss an appeal on the appellant's motion under these circumstances. Accordingly,
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1 pursuant to Rule 42(a), Mr. Escobar respectfully moves for dismissal of the appeal forthwith.

2 Dated: May 4, 2006

3 Respectfully submitted,

4 BARRY J. PORTMAN
Federal Public Defender

5 /S/

6 JOSH COHEN
7 Assistant Federal Public Defender


8 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
9 "conformed" signature (/S/) within this e-filed document.

10 **ORDER**

11 Pursuant to Rule 42(a) of the Federal Rules of Appellate Procedure, the Court hereby
12 GRANTS defendant-appellant's unopposed motion for voluntary dismissal of the appeal.

13 IT IS SO ORDERED.

14 Dated: May 9, 2006

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MAXINE M. CHESNEY
16 UNITED STATES DISTRICT JUDGE
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